



General Assembly

February Session, 2000

***Amendment***

LCO No. 4485

Offered by:

REP. LAWLOR, 99th Dist.

To: Subst. House Bill No. 5898

File No. 430

Cal. No. 356

***"An Act Concerning The Revisor's Technical  
Corrections To The General Statutes And Certain Public  
And Special Acts."***

1 After line 1308, insert the following:

2 "Sec. 49. Subsection (h) of section 14-227a of the general statutes, as  
3 amended by section 1 of public act 99-255, is repealed and the  
4 following is substituted in lieu thereof:

5 (h) Any person who violates any provision of subsection (a) of this  
6 section shall: (1) For conviction of a first violation, (A) be fined not less  
7 than five hundred dollars nor more than one thousand dollars and (B)  
8 be (i) imprisoned not more than six months, forty-eight consecutive  
9 hours of which may not be suspended or reduced in any manner or (ii)  
10 imprisoned not more than six months, with the execution of such  
11 sentence of imprisonment suspended entirely and a period of  
12 probation imposed requiring as a condition of such probation that  
13 such person perform one hundred hours of community service, as  
14 defined in section 14-227e, and (C) have such person's motor vehicle  
15 operator's license or nonresident operating privilege suspended for

16 one year; (2) for conviction of a second violation within ten years after  
 17 a prior conviction for the same offense, (A) be fined not less than one  
 18 thousand dollars nor more than four thousand dollars, (B) be  
 19 imprisoned not more than two years, one hundred twenty consecutive  
 20 days of which may not be suspended or reduced in any manner, and  
 21 sentenced to a period of probation requiring as a condition of such  
 22 probation that such person perform one hundred hours of community  
 23 service, as defined in section 14-227e, and (C) have such person's  
 24 motor vehicle operator's license or nonresident operating privilege  
 25 suspended for three years or until the date of such person's twenty-  
 26 first birthday, whichever is longer; and (3) for conviction of a third and  
 27 subsequent violation within ten years after a prior conviction for the  
 28 same offense, (A) be fined not less than two thousand dollars nor more  
 29 than eight thousand dollars, (B) be imprisoned not more than three  
 30 years, one year of which may not be suspended or reduced in any  
 31 manner, and sentenced to a period of probation requiring as a  
 32 condition of such probation that such person perform one hundred  
 33 hours of community service, as defined in section 14-227e, and (C)  
 34 have such person's motor vehicle operator's license or nonresident  
 35 operating privilege permanently revoked upon such third offense. For  
 36 purposes of the imposition of penalties for a second or third and  
 37 subsequent offense pursuant to this subsection, a conviction under the  
 38 provisions of subsection (a) of section 14-227a in effect on October 1,  
 39 1981, or as amended thereafter, a conviction under the provisions of  
 40 either subdivision (1) or (2) of subsection (a) of this section, a  
 41 conviction under the provisions of section 53a-56b or 53a-60d or a  
 42 conviction in any other state of any offense the essential elements of  
 43 which are determined by the court to be substantially the same as  
 44 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b  
 45 or 53a-60d, shall constitute a prior conviction for the same offense.

46 Sec. 50. Subsection (l) of section 14-227a of the general statutes, as  
 47 amended by section 1 of public act 99-255, is repealed and the  
 48 following is substituted in lieu thereof:

49 (l) Notwithstanding the provisions of subsection (c) of this section,

50 evidence respecting the amount of alcohol or drug in the blood or  
51 urine of an operator of a motor vehicle involved in an accident who  
52 has suffered or allegedly suffered physical injury in such accident,  
53 which evidence is derived from a chemical analysis of a blood sample  
54 taken from or a urine sample provided by such person after such  
55 accident at the scene of the accident, while en route to a hospital or at a  
56 hospital, shall be competent evidence to establish probable cause for  
57 the arrest by warrant of such person for a violation of subsection (a) of  
58 this section and shall be admissible and competent in any subsequent  
59 prosecution thereof if: (1) The blood sample was taken or the urine  
60 sample was provided for the diagnosis and treatment of such injury;  
61 (2) if a blood sample was taken, the blood sample was taken in  
62 accordance with the regulations adopted under subsection (e) of this  
63 section; (3) a police officer has demonstrated to the satisfaction of a  
64 judge of the Superior Court that such officer has reason to believe that  
65 such person was operating a motor vehicle while under the influence  
66 of intoxicating liquor or drug or both and that the chemical analysis of  
67 such blood or urine sample constitutes evidence of the commission of  
68 the offense of operating a motor vehicle while under the influence of  
69 intoxicating liquor or drug or both in violation of subsection (a) of this  
70 section; and (4) such judge has issued a search warrant in accordance  
71 with section 54-33a authorizing the seizure of the chemical analysis of  
72 such blood or urine sample. Such search warrant may also authorize  
73 the seizure of the medical records prepared by the hospital in  
74 connection with the diagnosis [of] or treatment of such injury.

75 Sec. 51. Subsection (b) of section 17a-502 of the general statutes is  
76 repealed and the following is substituted in lieu thereof:

77 (b) Any person admitted and detained under this section shall be  
78 examined by a physician specializing in psychiatry within forty-eight  
79 hours of admission as provided in [subsection (f) of section 17-206]  
80 section 17a-545. If such physician is of the opinion that the person does  
81 not meet the criteria for emergency detention and treatment, such  
82 person shall be immediately discharged. The physician shall enter his  
83 findings in the patient's record.

84       Sec. 52. Section 17a-509 of the general statutes is repealed and the  
85       following is substituted in lieu thereof:

86       The superintendent or director of any state-operated facility, as  
87       defined in subsection [(b)] (c) of section 17a-458, may place any person  
88       with psychiatric disabilities committed to such state-operated facility,  
89       if such person is no longer in need of active psychiatric treatment in  
90       such state-operated facility, in a private boarding home for mental  
91       patients licensed by the Department of Public Health in accordance  
92       with sections 19a-490 to 19a-503, inclusive, or a chronic and  
93       convalescent hospital, provided such person shall, despite such  
94       transfer, remain subject to the medical supervision of the  
95       superintendent or director of such state-operated facility, and such  
96       superintendent or director may, if medically indicated, order and  
97       provide for the return of any such patient to such state-operated  
98       facility, subject to any limitations of the term of commitment contained  
99       in the order of commitment under which such patient was committed  
100       to such state-operated facility. The provisions of this section shall not  
101       apply to any person who is under a term of imprisonment or who has  
102       not met the requirements of the condition of release set to provide the  
103       reasonable assurance of such person's appearance in court.

104       Sec. 53. Subdivisions (21) and (22) of section 17b-290 of the general  
105       statutes is repealed and the following is substituted in lieu thereof:

106       (21) "Primary and preventive health care services" means the  
107       services of licensed physicians, optometrists, nurses, nurse  
108       practitioners, midwives and other related health care professionals  
109       which are provided on an outpatient basis, including routine well-  
110       child visits, [;] diagnosis and treatment of illness and injury, [;]  
111       laboratory tests, [;] diagnostic x-rays, [;] prescription drugs, [;]  
112       radiation therapy, [;] chemotherapy, [;] hemodialysis, [;] emergency  
113       room services, [;] and outpatient alcohol and substance abuse services,  
114       as defined by the commissioner;

115       (22) "Qualified entity" means any entity: (A) eligible for payments

116 under a state plan approved under Medicaid and which provides  
117 medical services under the HUSKY Plan, Part A or is authorized to  
118 determine eligibility of [:] (i) A child to participate in a Head Start  
119 program under the Head Start Act, [:] (ii) a child to receive child care  
120 services for which financial assistance is provided under the Child  
121 Care and Development Block Grant Act of 1990, [:] or (iii) a child to  
122 receive assistance under WIC; and (B) that is determined by the  
123 commissioner to be capable of making the determinations specified in  
124 subparagraph (A) of this subdivision. The commissioner shall provide  
125 qualified entities with such forms as are necessary for an application to  
126 be made on behalf of a child under the HUSKY Plan, Part A and  
127 information on how to assist parents, guardians and other persons in  
128 completing and filing such forms.

129 Sec. 54. Subdivision (8) of section 26-1 of the general statutes is  
130 repealed and the following is substituted in lieu thereof:

131 (8) "Commercial fishing gear" means any equipment commonly  
132 used to take finfish, crustacea, sea scallops, squid, horseshoe crabs or  
133 bait species for commercial purposes including, but not limited to,  
134 lobster pots, otter trawls, beam trawls, balloon trawls, midwater  
135 trawls, sea scallop dredges, scoop nets, scap nets, seines, [purse  
136 seines,] trap nets, fyke nets, crab traps, gill nets, trammel nets, set lines,  
137 long lines, hook and line if such fishing is conducted for commercial  
138 purposes, minnow seines, minnow traps, eel pots, fish pots, pound  
139 nets, throw nets or similar devices and any equipment listed as  
140 commercial fishing gear in regulations adopted by the Commissioner  
141 of Environmental Protection.

142 Sec. 55. Section 26-142b of the general statutes, as amended by  
143 section 1 of public act 99-266, is repealed and the following is  
144 substituted in lieu thereof:

145 Notwithstanding any other provision of law, the Commissioner of  
146 Environmental Protection, from May 31, 1995, until December 31, 2001,  
147 shall issue resident and nonresident commercial finfish licenses [.] and

148 commercial fishing licenses [, and purse seine registrations] under  
149 section 26-142a only to persons who held such a license or registration  
150 at any time from January 1, 1980, to June 1, 1995, inclusive, provided, if  
151 such license holder [or registrant] is incapacitated or unable to operate  
152 a vessel, the commissioner may reissue a license [or registration] to a  
153 member of such license [holder or registrant's] holder's immediate  
154 family or to a member of such license [holder or registrant's] holder's  
155 crew, as designated by such license holder, [or registrant,] on a  
156 temporary basis not to exceed the duration of such incapacity or  
157 inability. Such temporary license [or registration] shall be subject to the  
158 provisions of said section 26-142a. Upon the death of a license holder  
159 [or registrant] or relinquishment of the license [or registration]  
160 between October 1, 1999, and December 31, 2001, the commissioner, in  
161 accordance with the provisions of this section, may issue a new license  
162 [or registration] of the same type to a member of such license [holder  
163 or registrant's] holder's immediate family who shall be designated by  
164 such license holder [or registrant] on the form provided by the  
165 commissioner for application for, or renewal of, such license. [or  
166 registration.] Such form shall include a space in which the designation  
167 may be indicated. The commissioner shall allow transfers upon death  
168 or relinquishment only in cases of transfers from license holders [or  
169 registrants] who fished in 1998 and landed any amount of fish under a  
170 valid license issued by the commissioner and in the twelve months  
171 immediately preceding the date of the request. Such request shall be  
172 made to the commissioner in writing. In the case of relinquishment of  
173 license, the original license holder [or registrant] shall become  
174 ineligible to obtain a new or renewal license [or registration] of said  
175 type but shall be allowed to recover the license [or registration] upon  
176 the death of the recipient family member or the relinquishment of the  
177 license [or registration] by the recipient. For the purposes of this  
178 section, active fishing shall be determined by inspection of commercial  
179 fishery catch data submitted in accordance with section 26-157b. No  
180 transfer of a license may be made while such license is under  
181 suspension. Immediate family shall include spouses, fathers, sons,  
182 brothers, sisters, mothers, daughters, grandfathers, grandmothers,

183 grandsons, granddaughters, nieces, nephews or the spouses of any  
184 such family member. Such reissued license [or registration] shall be  
185 subject to the provisions of said section 26-142a. If such license holder  
186 [or registrant] has not designated a family member to whom the  
187 license [or registration] may be issued, one such family member may  
188 apply in the manner otherwise provided by law in order to obtain a  
189 license [or registration] under said section 26-142a.

190 Sec. 56. Subsection (a) of section 26-157b of the general statutes is  
191 repealed and the following is substituted in lieu thereof:

192 (a) Each person who holds any commercial fishing license issued by  
193 the commissioner, license to take lobsters for personal use, license to  
194 buy finfish, lobsters, crabs, sea scallops, squid or bait species for resale,  
195 license to land lobsters, sea scallops, finfish, crabs, or squid [, purse  
196 seine registration] or pound net registration shall report to the  
197 commissioner, at such intervals and at such times as may be required  
198 and upon forms provided by the commissioner, such information as  
199 the commissioner deems necessary. The commissioner may request  
200 that commercial shellfish harvesters of oysters and clams voluntarily  
201 report, upon forms provided by the commissioner, such information as  
202 the commissioner deems necessary. The information required to be  
203 reported or voluntarily submitted may include but is not limited to:  
204 The number of individuals employed by such person, the number and  
205 value of boats, nets, apparatus and other devices used, the area fished,  
206 the effort expended and the number, weight, market value and species  
207 of finfish, lobsters, oysters, clams, sea scallops, squid, or crabs caught,  
208 landed or purchased. Each person who holds a party boat, head boat  
209 or charter boat registration shall report to the commissioner, at such  
210 times and at such intervals as may be required and upon forms  
211 provided by the commissioner, such information as the commissioner  
212 deems necessary, which may include but is not limited to: The number  
213 of individuals carried for the purpose of fishing, the area fished, the  
214 effort expended, the number and weight by species of all finfish taken  
215 and, if any of the catch is sold by such person or by the captain or crew  
216 of such vessel, the number, weight, species and value of such finfish.

217       Sec. 57. Section 26-159a of the general statutes is repealed and the  
218       following is substituted in lieu thereof:

219       To establish and manage populations of marine and anadromous  
220       finfish and marine arthropods and to facilitate the establishment of  
221       unified coast-wide regulations in accordance with the provisions of  
222       fishery management plans developed pursuant to the Fishery  
223       Conservation and Management Act of 1976 (Public Law 94-265, as  
224       amended) or other regional fishery management authorities, the  
225       Commissioner of Environmental Protection may adopt regulations in  
226       accordance with the provisions of chapter 54 governing possession of  
227       such species, sport fishing and commercial fishing by persons fishing  
228       for such species in the waters of this state or landing such species in  
229       this state, regardless of where such species were taken. Such  
230       regulations may: (1) Establish the open and closed seasons; (2)  
231       establish hours, days or periods during the open season when fishing  
232       shall not be permitted in designated waters or areas for all or limited  
233       species by all or limited methods; (3) establish legal lengths; (4)  
234       prescribe the legal methods of sport fishing for all or limited species;  
235       (5) establish for sport fishing the daily creel limit, the season creel limit  
236       and the possession limit; (6) restrict sport fishing from boats and other  
237       floating devices and sport fishing from designated areas; (7) determine  
238       the species which may be taken by commercial fishing methods,  
239       provided striped bass, Atlantic salmon, other anadromous salmon,  
240       brown trout, rainbow trout and brook trout may only be taken by  
241       angling and, if taken in the waters of this state, shall not be sold,  
242       bartered, exchanged or offered for sale, barter or exchange; (8)  
243       prescribe the legal methods of commercial fishing; (9) determine the  
244       specifications, materials and dimensions of nets, seines, fykes, traps,  
245       pounds, trawls, [purse seines,] trolling gear, long lines, set lines and  
246       other commercial fishing gear used in the waters of this state; (10)  
247       regulate the use of commercial fishing gear, including boats; (11)  
248       determine the number and size of finfish and marine arthropods which  
249       may be taken by commercial fishermen; (12) determine the total  
250       number and pounds of finfish and marine arthropods, by species,



251 which may be taken by commercial fishing methods or for commercial  
252 purposes during a calendar year or lesser period; (13) prohibit the  
253 landing of protected species; (14) for a fishing derby or tournament,  
254 require that such activity be registered and that an accurate report of  
255 all fish tagged, marked and taken, time spent on an area and any other  
256 data required by the commissioner for management purposes be  
257 returned within a specified period of time. Any person who violates  
258 any regulation concerning sport fishing adopted in accordance with  
259 the provisions of chapter 54 and this section, shall have committed an  
260 infraction and may pay the fine by mail or plead not guilty under the  
261 provisions of section 51-164n, except that any person who violates any  
262 regulation adopted in accordance with the provisions of chapter 54  
263 and this section pertaining to the taking of striped bass shall be fined  
264 one hundred dollars for each fish taken or possessed for the first  
265 violation, two hundred dollars for each fish taken or possessed for the  
266 second violation and for each subsequent violation shall be fined five  
267 hundred dollars for each fish taken or possessed or imprisoned not  
268 more than sixty days or both. No part of any fine imposed for the  
269 taking or possession of any striped bass in violation of any such  
270 regulation shall be remitted.

271 Sec. 58. Subsection (d) of section 46b-38b of the general statutes is  
272 repealed and the following is substituted in lieu thereof:

273 (d) It shall be the responsibility of the peace officer at the scene of a  
274 family violence incident to provide immediate assistance to the victim.  
275 Such assistance shall include but not be limited to: (1) Assisting the  
276 victim to obtain medical treatment if such is required; (2) notifying the  
277 victim of the right to file an affidavit or warrant for arrest; and (3)  
278 informing the victim of services available and referring the victim to  
279 the [Commission on] Office of Victim Services. In cases where the  
280 officer has determined that no cause exists for an arrest, assistance  
281 shall include: (A) Assistance included in subdivisions (1) to (3),  
282 inclusive, of this subsection; and (B) remaining at the scene for a  
283 reasonable time until in the reasonable judgment of the officer the  
284 likelihood of further imminent violence has been eliminated.

285       Sec. 59. Section 42-110h of the general statutes is repealed and the  
286       following is substituted in lieu thereof:

287       As soon as practicable after the commencement of an action brought  
288       as a class action, the court shall determine by order whether it is to be  
289       so maintained. An order under this [subsection] section may be  
290       conditional, and it may be amended before decision on the merits. An  
291       order issued under this section shall be immediately appealable by  
292       either party.

293       Sec. 60. Section 52-226a of the general statutes is repealed and the  
294       following is substituted in lieu thereof:

295       In any civil action tried to a jury, after the return of a verdict and  
296       before judgment has been rendered thereon, or in any civil action tried  
297       to the court, not more than fourteen days after judgment has been  
298       rendered, the prevailing party may file a written motion requesting the  
299       court to make a special finding to be incorporated in the judgment or  
300       made a part of the record, as the case may be, that the action or a  
301       defense to the action was without merit and not brought or asserted in  
302       good faith. Any such finding by the court shall be admissible in any  
303       subsequent action brought pursuant to [subsection (a) of] section 52-  
304       568.

305       Sec. 61. Section 26-154a is repealed."